

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, )  
 )  
Plaintiff(s), ) No. 3-07-70682 BZ  
 )  
v. )  
 ) **DETENTION ORDER**  
ANNA BANKOWSKA, )  
 )  
Defendant(s). )  
\_\_\_\_\_ )

On November 20, 2007, I heard the government's motion to detain Anna Bankowska. Defendant was present and represented by Gail Shifman. Assistant United States Attorney Jeffrey Finigan appeared for the United States.

Pretrial Services submitted a report that recommended detention. Proffers and arguments regarding detention were submitted by the parties at the hearing.

Having considered the parties' proffers and the Pretrial Services Report, I find that the government has met its burden of showing by a preponderance of the evidence that the defendant is a flight risk, and that no conditions of release will reasonably assure her appearance in Portland, Oregon to

1 face the current charges. In so finding, I have considered  
2 the following factors:

3 1. The defendant is charged with violations of Title 18,  
4 United States Code, Section 1344 - Bank Fraud; and Title 18,  
5 United States Code, Section 1028(A) - Aggravated Identity  
6 Theft. If convicted of Aggravated Identify Theft, she faces a  
7 mandatory minimum sentence of two years in addition to any  
8 sentence which would arise out of a Bank Fraud conviction.  
9 The fact that defendant is facing such a substantial sentence  
10 provides some incentive to flee.

11 2. Defendant's ties with this district are mixed.  
12 Defendant's residential history remains unverified. She  
13 claims currently to reside with her significant other.  
14 However, when interviewed by Pretrial Services, the  
15 significant other denied that she lived with him. Defendant  
16 also claims to have family ties to the area, but no family  
17 members appeared at her detention hearing or offered to act as  
18 her surety.

19 3. Defendant's employment history is also mixed and for  
20 the most part unverified. She claims to have been employed by  
21 a company owned by her significant other for the last four  
22 years, but her significant other denied to Pretrial Services  
23 that such employment existed and stated that he did not think  
24 she had ever been employed. Her past criminal history and  
25 several websites located by Pretrial Services suggest  
26 defendant travels around the country offering her services as  
27 an escort or prostitute via internet website advertisements  
28 identifying herself as Larissa.

1           4. The government proffered that she is adept at  
2 assuming false identities and has access to and makes use of  
3 false identification. The government proffered that she used  
4 false identification to access 25 different bank accounts in 9  
5 states, and that much of this activity was recorded by bank  
6 surveillance cameras. She appears to have an identity as  
7 Janelle Merriam, providing that false ID to police in South  
8 San Francisco when pulled over for a vehicle infraction. The  
9 fact that she travels so freely under different identities  
10 suggests that she is very capable of assuming a false identity  
11 to avoid facing the charges against her in Oregon.

12           5. The potential co-defendants in this case, who may  
13 have provided defendant with her false identification  
14 documents, remain at large. The government proffered that  
15 upwards of \$194,000 in profits from the alleged bank fraud  
16 remain unaccounted for and potentially available to finance  
17 flight.

18           6. Defendant has no ties to the district of Oregon where  
19 she is charged. The risk of flight is heightened by the fact  
20 that if released, defendant must travel to Oregon for her  
21 initial appearance.

22           7. I have reservations about the suitability of the  
23 sister of defendant's significant other to post security and  
24 act as a surety. The property offered is a rental unit in  
25 which no one is currently living. Such security does not  
26 provide much of an incentive for defendant to make her  
27 appearances.

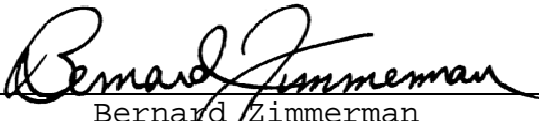
28           8. It also appears that defendant has a substance abuse

1 problem which creates concerns about her reliability in  
2 adhering to conditions of release

3 Accordingly, pursuant to 18 U.S.C. §3142(I), **IT IS HEREBY**  
4 **ORDERED** that until the completion of the criminal proceedings  
5 defendant Anna Bankowska is committed to the custody of the  
6 Attorney General or his designated representative for  
7 confinement separate, to the extent practicable, from persons  
8 awaiting or serving sentences or being held in custody pending  
9 appeal.

10 **IT IS FURTHER ORDERED** that defendant shall be afforded  
11 reasonable opportunity for private consultation with counsel,  
12 and that upon the order of a court of the United States or on  
13 request of an attorney for the Government, the person in  
14 charge of the corrections facility in which defendant is  
15 confined shall deliver the person to a United States Marshal  
16 for the purpose of an appearance in connection with a court  
17 proceeding.

18 Dated: November 21, 2007

19   
20 Bernard Zimmerman  
21 United States Magistrate Judge

22 G:\BZALL\CRIMINAL\ORDERS\DETENTIO\2007\BANKOWSKA.DETENTION.ORDER.wpd  
23  
24  
25  
26  
27  
28